

**ZB# 85-21**

**Albert Rhoades**

**17-4-51**

85-21

Rhoades, Albert C.

Prelim.

May 13, 1985.

Public Hearing:

6/10/85

Notice to Sentinel  
on 5/22/85 ✓

Collect. \$25.00 fee.  
Pd.

Use  
Variance  
Granted -

6/10/85.

## 6620

555 Union Avenue  
New Windsor, N. Y. 12550

Received of

N. Y. 12550  
Albert Rhoads

\$

625

→ 1

DOLLARS

For

## DISTRIBUTION

FUND	CODE	AMOUNT
Check 25.00		
# 1658		

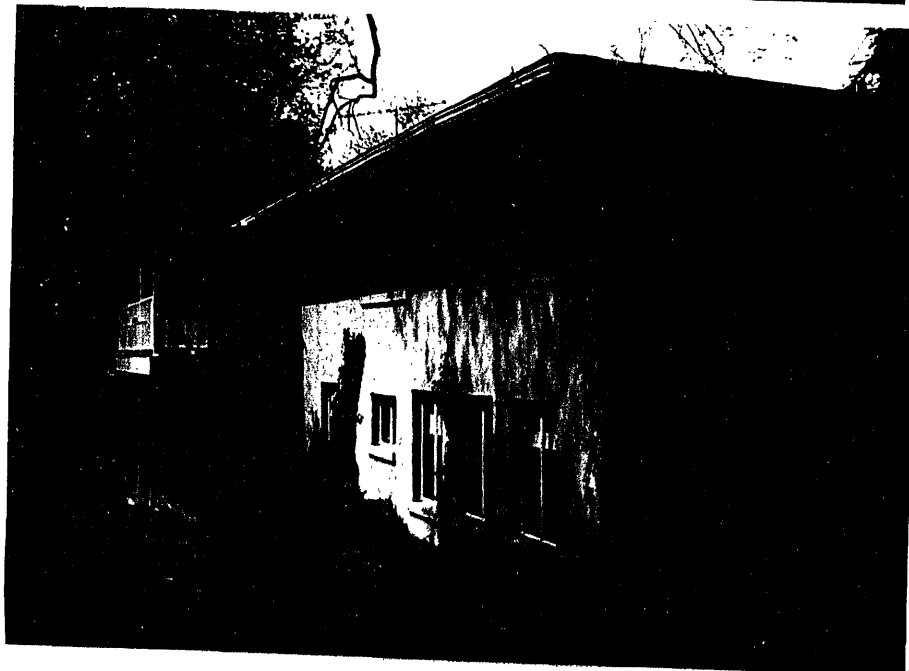
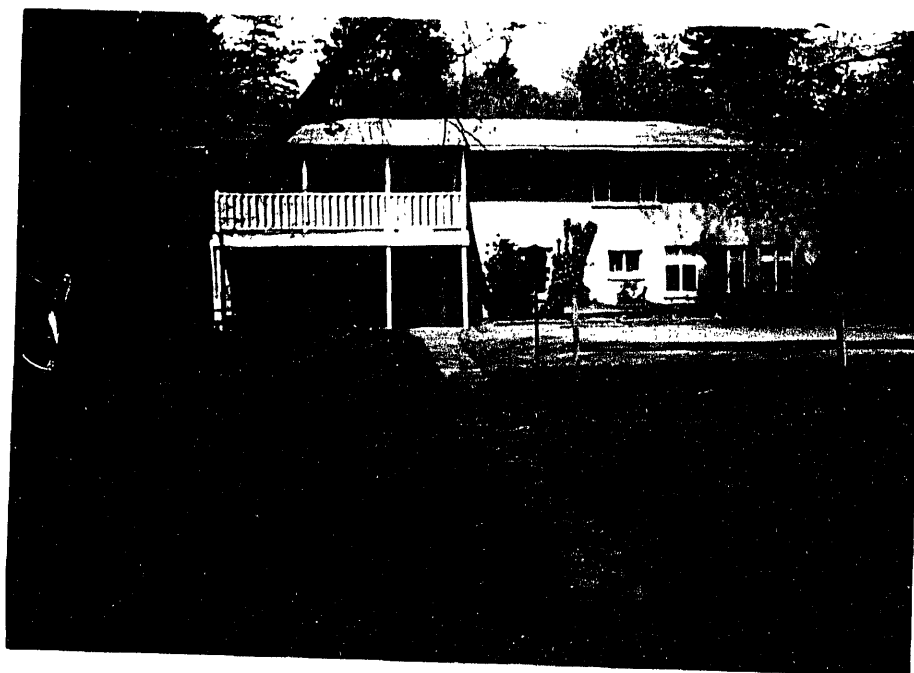
By

Pauline S. Townsend

Town Clerk <sup>et al</sup>

Title

Williamson Law Book Co., Rochester, N. Y. 14609



ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

-----X

In the Matter of the Application of

ALBERT and GRETA RHOADES

#85-21.

DECISION GRANTING  
USE VARIANCE

-----X

WHEREAS, ALBERT and GRETA RHOADES of 151 Quassaick Avenue, New Windsor, New York, have made application before the Zoning Board of Appeals for a use variance for the purposes of:

Converting their one-family residential dwelling to a two-family use; and

WHEREAS, a public hearing was held on the 10th day of June, 1985 at the Town Hall, 555 Union Avenue, New Windsor, New York; and

WHEREAS, applicants appeared in behalf of themselves; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicants are not proposing any outside structural changes to the existing dwelling.

3. The evidence shows that applicant has additional parking area to the rear of residence.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of law in this matter:

1. The evidence indicates that the aforesaid circumstances or conditions are such that the strict application of the provisions of the local law would deprive the applicant of the reasonable use of such land or building.

2. The evidence indicates that the plight of the applicant is due to unique circumstances and not to general conditions suffered by other persons within the same zone.

3. The evidence shows that the application as presented does not alter the essential character of the neighborhood.

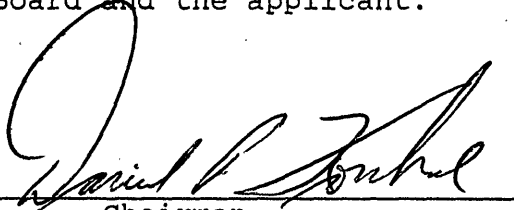
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANTS a use variance as applied for by the applicants with the restriction that said use be "owner occupied only".

BE IT FURTHER,

RESOLVED, That the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: June 24, 1985.

  
Chairman

cc: Mr. and Mrs. Albert Rhoades

Pat. -

State of New York

County of Orange, ss:

Everett W. Smith being duly sworn  
disposes and says that he is  
Publisher of the E.W. Smith  
Publishing Company, Inc. publisher  
of The Sentinel, a weekly newspaper  
published and of general circulation  
in the Town of New Windsor, and that  
the notice of which the annexed is  
a true copy was published once

in said newspaper, commencing on  
the 30<sup>th</sup> day of May A.D., 1985  
and ending on the 30<sup>th</sup> day of May  
A.D. 1985

Subscribed and shown to before me  
this 24<sup>th</sup> day of Jan, 1986.

Patricia Delio  
Notary Public of the State of New York  
County of Orange.

My commission expires 3/30/87

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 5970775  
Qualified in Orange County  
Commission Expires March 30, 1987

**PUBLIC NOTICE OF HEARING  
BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR**  
PLEASE TAKE NOTICE that the  
Zoning Board of Appeals of the  
TOWN OF NEW WINDSOR, New  
York will hold a Public Hearing  
pursuant to Section 48-34A of the  
Zoning Ordinance on the follow-  
ing proposition:  
Appeal NO. 21  
Request of ALBERT C. &  
GRETA B. RHOADES for a  
VARIANCE of the regulations  
of the Zoning Ordinance to per-  
mit conversion of one-family  
residential dwelling being a  
VARIANCE of Section 48-9  
Table of Use Regs. Col. A for  
property situated as follows:  
151 Quassaick Avenue, Town of  
New Windsor, New York,  
known and designated as Sec-  
tion 17, Block A, Lot 51.  
SAID HEARING will take place  
on the 10th day of June, 1985,  
at the New Windsor Town Hall,  
555 Union Avenue, New Windsor,  
N.Y. beginning at 7:30 o'clock  
p.m.  
DANIEL P. KONKOL  
Chairman  
By: Patricia Delio  
Secretary

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

# 85-21

Date: 5/15/85

I. ✓ Applicant Information:

- (a) Robert C. & Greta B. Rhoades - 151 Quassaick Ave. New  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of broker)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☐ Area Variance ☐ Special Permit

III. ✓ Property Information:

- (a) R-4 151 Quassaick Ave 17-4-51 200 X 135  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? none
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1970
- (e) Has property been subdivided previously? no When? \_\_\_\_\_
- (f) Has property been subject of variance or special permit previously? no When? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no

IV. ✓ Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of use Regs., Col. 1, to allow:  
(Describe proposal) Rent ground floor as an apartment to one person -

- (b) ✓ The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

For revenue

V. ~~Area variance:~~

- (a) ~~Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.~~

<del>Requirements</del>	<del>Proposed or Available</del>	<del>Variance Request</del>
<del>Min. Lot Area</del>	<del>_____</del>	<del>_____</del>
<del>Min. Lot Width</del>	<del>_____</del>	<del>_____</del>
<del>Reqd. Front Yd.</del>	<del>_____</del>	<del>_____</del>
<del>Reqd. Side Yd.</del>	<del>_____</del>	<del>_____</del>
<del>Reqd. Rear Yd.</del>	<del>_____</del>	<del>_____</del>
<del>Reqd. Street Frontage*</del>	<del>_____</del>	<del>_____</del>
<del>Max. Bldg. Hgt.</del>	<del>_____</del>	<del>_____</del>
<del>Min. Floor Area*</del>	<del>_____</del>	<del>_____</del>
<del>Dev. Coverage* _____ %</del>	<del>_____ %</del>	<del>_____ %</del>
<del>Floor Area Ratio**</del>	<del>_____</del>	<del>_____</del>

~~\* Residential Districts only~~

~~\*\* Non-residential districts only~~

- (b) ~~The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

VI. ~~Sign Variance:~~

- (a) ~~Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.~~

<del></del>	<del>Requirements</del>	<del>Proposed or Available</del>	<del>Variance Request</del>
<del>Sign 1</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>Sign 2</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>Sign 3</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>Sign 4</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>Sign 5</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>Total</del>	<del>_____ sq.ft.</del>	<del>_____ sq.ft.</del>	<del>_____ sq.ft.</del>



- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

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- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

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VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.
- (b) Describe in detail the use and structures proposed for the special permit.

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VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

*no changes will be made  
structurally inside or outside -  
owner occupied*

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 5/22/85

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Guta B. Rhoades  
(Applicant)

Sworn to before me this

22nd day of May, 1985.

Patricia Delio

PATRICIA DELIO  
NOTARY PUBLIC, State of New York  
No. 5970775  
Qualified in Orange County  
Commission Expires March 30, 1987

XI. ZBA Action:

- (a) Public Hearing date \_\_\_\_\_.
- (b) Variance is \_\_\_\_\_.
- Special Permit is \_\_\_\_\_.
- (c) Conditions and safeguards: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

A FORMAL DECISION WILL FOLLOW  
WHICH WILL BE ADOPTED BY  
RESOLUTION OF ZONING BOARD OF APPEALS.

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD  
TOWN BUILDING/ZONING OFFICE

FROM: ZONING BOARD OF APPEALS

RE: PUBLIC HEARINGS BEFORE THE ZBA - June 10, 1985

DATE: May 31, 1985

Please be advised that the following public hearing(s) will be heard before the Zoning Board of Appeals on the above date:

HECHT, EUGENE - Special Permit (paint shop)

HARSH, JANE & RON - Sideyard variance (addition)

RHOADES, ALBERT & GRETA - One-family to two-family  
conversion

I have attached hereto copies of the pertinent applications together with public hearing notices which were published in The Sentinel.

Patricia Delio, Secretary  
Zoning Board of Appeals

/pd

Attachments

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Ordinance on the following proposition:

Appeal No. 21

Request of ALBERT C. & GRETA B. RHOADES

for a VARIANCE ~~SPECIAL PERMIT~~ of the regulations of the Zoning Ordinance to permit conversion of one-family residential dwelling to two-family residential dwelling being a VARIANCE ~~SPECIAL PERMIT~~ of Section 48-9 - Table of Use Regs.-Col. A. for property situated as follows:

151 Quassaick Avenue, Town of New Windsor,  
New York, known and designated as Section 17,  
Block A, Lot 51.

SAID HEARING will take place on the 10th day of June, 19 85, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

DANIEL P. KONKOL  
Chairman



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

June 11, 1985

1763

Mr. and Mrs. Albert Rhoades  
151 Quassaick Avenue  
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE - #85-21  
ZONING BOARD OF APPEALS

Dear Mr. and Mrs. Rhoades:

This is to confirm that a public hearing was held regarding the above-entitled application before the Zoning Board of Appeals. The Board voted to grant your request for a use variance at the June 10, 1985 meeting. The use is restricted to "owner occupancy only", so that if you sell your house, the variance becomes null and void.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Best regards.

Very truly yours,

PATRICIA DELIO  
Secretary to Zoning Bd. of Appeals

/pd

cc: Town Building Inspector  
Planning Board



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

44

May 16, 1985

Mr. & Mrs. Albert Rhoades  
151 Quassaick Ave.  
New Windsor, N.Y.

RE: 17-4-51

Dear Mr. & Mrs. Rhoades:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$70.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

CHRISTIAN E. JAHRLING IAO  
SOLE ASSESSOR  
Town of New Windsor



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Lease Dominick, Francis &  
Stella Agnes  
5 Lucas Drive  
New Windsor NY 12550

Markuson Harvey J & Mildred W  
136 Quassaick Ave  
New Windsor NY 12550

Halpert Sidney & Shirley  
140 Quassaick Ave  
New Windsor NY 12550

Kieva George W & Phyllis R  
142 Quassaick Ave  
New Windsor NY 12550

Eldridge John W  
146 Quassaick Ave  
New Windsor NY 12550

Krisch Hilda J & Peck, Mary P  
6 Lucas Drive  
New Windsor NY 12550

Rizzo Joseph & Santina  
8 Lucas Drive  
New Windsor NY 12550

Bartlett Pamela W  
10 Lucas Drive  
New Windsor NY 12550

Longo Steven P  
14 Lucas Drive  
New Windsor NY 12550

Sears John & Virginia  
2 Stonecrest Drive  
New Windsor NY 12550

Pluchino John & Hilda  
4 Stonecrest Drive  
New Windsor NY 12550

Muscarella Vincent J & Elizabeth  
6 Stonecrest Drive  
New Windsor NY 12550

Fitzgerald Robert L & Audrey K  
11 Oakridge Drive  
New Windsor NY 12550

Di Cesare Alfred C & Catherine  
Ann  
7 Stonecrest Drive  
New Windsor NY 12550

Ferrara Hazel  
9 Stonecrest Drive  
New Windsor NY 12550

Grieco Michael & Rose  
3 Stonecrest Drive  
New Windsor NY 12550

Le Munyan Albert & Marion  
23 Walnut Street  
New Windsor NY 12550

Di Maria Charles & Eleanor  
164 Quassaick Ave  
New Windsor NY 12550

Franchini Dominick C & Rose Z  
166 Quassaick Ave  
New Windsor NY 12550

Connolly Dennis & Marie  
114 Pine Drive  
New Windsor NY 12550



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Diamond Albert F & Marie N  
121 Pine Street  
New Windsor NY 12550

Stereoco Inc  
265-269 Rt. 9W  
New Windsor NY 12550

Dunning George E & Kathleen E  
11 Fanewood Drive  
New Windsor NY 12550

Indzonka Louis F Jr & Catherine C  
149 Quassaick Ave  
New Windsor NY 12550

Child Paul W & Judy Ann  
3 Woodthrush Lane  
New Windsor NY 12550

Naclerio John J & Stephanie  
87 Merline Ave  
New Windsor NY 12550

Spignardo Ernest G & Dorothy M  
12 Fanewood Drive  
New Windsor NY 12550

Ortone Anthony A & Martha  
10 Fanewood Drive  
New Windsor NY 12550

Magliato Joseph J & Bette Ann  
8 Fanewood Drive  
New Windsor NY 12550

Holdsworth Ellen  
16 Broad Street  
New Windsor NY 12550

Caldwell John D & Melini  
20 Broad Street  
New Windsor NY 12550

Blair Loretta  
22 Broad Street  
New Windsor NY 12550

Fitzpatrick Charles & Jane  
24 Broad Street  
New Windsor NY 12550

Fitzpatrick Anna (Nancy) Caroli  
Rt 2 Box 1853  
Ft. McCoy Florida 32637

Bucci Dominick & Lottie A  
28 Broad Street  
New Windsor NY 12550

Moglia Jr Francis L & Lillian  
30 Broad Street  
New Windsor NY 12550

Marchesani Anthony & Beverly  
2 Woodthrush Lane  
New Windsor NY 12550

Strheker Russell H  
1 Woodthrush Lane  
New Windsor NY 12550

Rhoades Albert C & Gaeta B  
151 Quassaick Ave  
New Windsor NY 12550

Herbison Elizabeth C, Miller Frances  
& Burkey Rosa  
145 Quassaick Ave





1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK

Herbison Matthew R & Elizabeth C  
145 Quassaick Ave  
New Windsor NY 12550

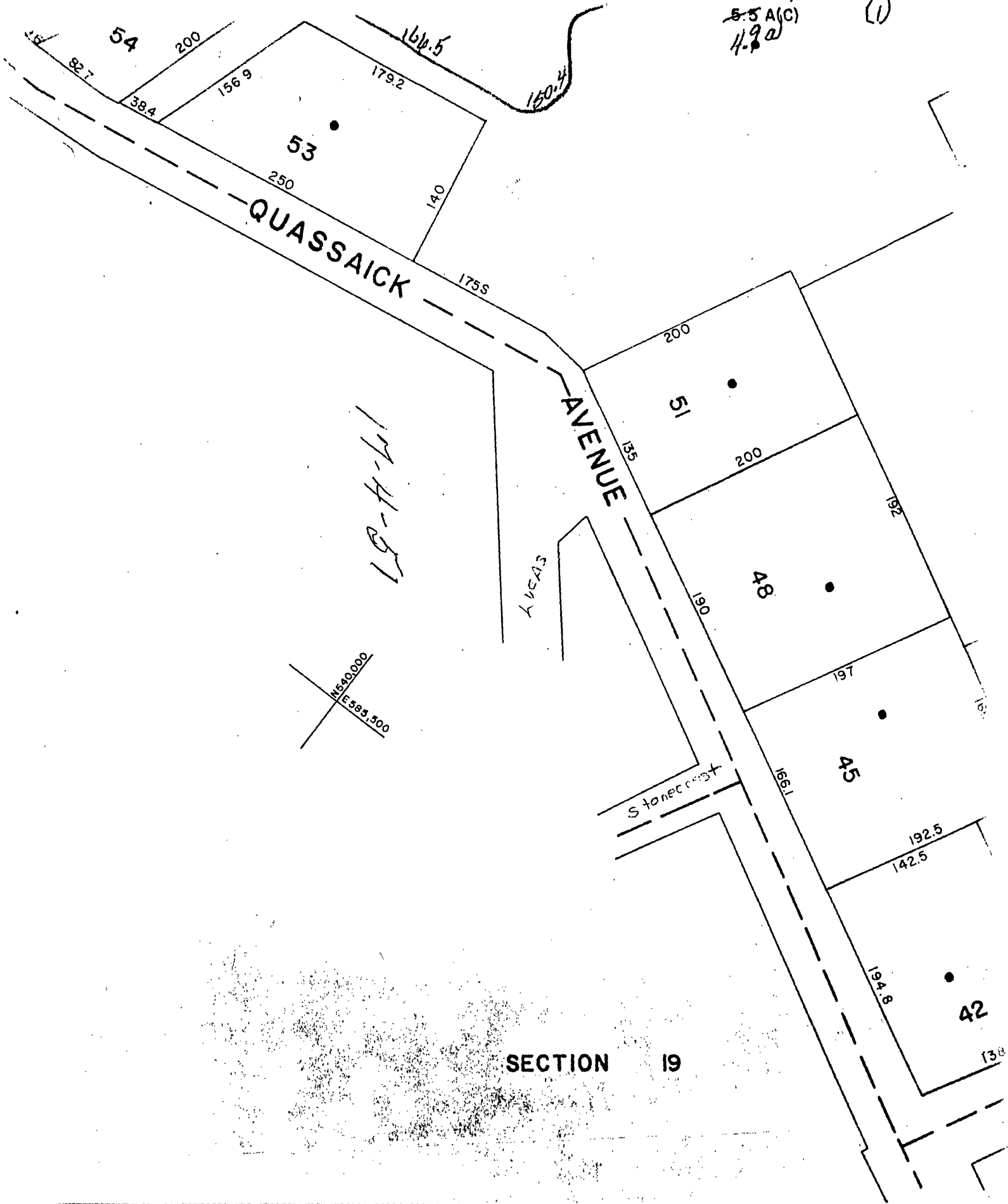
Miller Frederick A & Frances V  
143 Quassaick Ave  
New Windsor NY 12550

Dowd Thomas G & Mildred C  
135 Quassaick Ave  
New Windsor NY 12550

Town of New Windsor  
555 Union Ave  
New Windsor NY 12550

8.5 A(C)  
4.9 a

(1)



### LEGEND

PLAN LOT LINE	---	TAX MAP BLOCK NO
NT LINE	---	

ASSAICK

1755

AVENUE

200

51

200

48

190

197

45

192.5

142.5

194.8

42

138

AREAS

Stonecrest

1540,000  
E585,500

SECTION 19

# LEGEND

PLAN LOT LINE	-----	TAX MAP BLOCK NO.	(4)	FILED PLAN BLOCK NO.	(2) (4)
NT LINE	O & R UTILITIES	TAX MAP PARCEL NO.	32	FILED PLAN LOT NO.	(13)
LINE	Z	AREAS	(Deed) 11.1A, (Calculated) 11.6A(C)	STATE HIGHWAYS	N.Y. STATE HWY. NO. 17
AS	.....	DIMENSIONS (Deed) 66 (Scaled) 75.5		COUNTY HIGHWAYS	COUNTY HWY. NO. 4
				TOWN ROADS	TOWN RD. 1

REAMS	DIMENSIONS (Deed) 66	TOWN ROADS	TOWN RD. 1
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PROP

TOWN OF NEW WINDSOR  
ORANGE COUNTY, N. Y.  
OFFICE OF ZONING - BUILDING INSPECTOR

Prelim. meeting:  
7:30 p.m. -  
5/13/85.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. ....

Date April 18, 1985

To Albert C. Rhoades 562-7099  
151 Quassack Ave. (south of Lucas Estates)  
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated April 18, 1985  
for permit to Convert: Rent portion of existing House as apartment  
at the premises located at 151 Quassack Ave  
Tax Map Section 17, Block A, Lot 51

is returned herewith and disapproved on the following grounds:

Non-Conforming use in R-4 zone - use variance.

Note: portion of House proposed a  
apartment already has kitchen  
Bath and was used by Mr.  
Rhoades Mother <sup>law</sup> for five years.  
(basement apt.)

  
Building Inspector

May 13, 1985

Members of the New Windsor Zoning Board:

We, the undersigned, herewith request your consideration of a variance which would permit us to rent the ground floor of our home at 151 Quassaick Ave.

We have resided at this location for more than 15 years. The premises were formerly occupied by Dr. and Mrs. Arthur O'Leary and used by him for the practice of medicine.

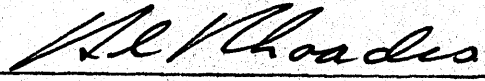
The ground floor consists of a bedroom, bath and a combination kitchen, dining area and living room. It was never been rented. It was occupied for the past five years by Mrs. Pearl Bakker, Mrs. Rhoades' mother, until her death.

The size of the apartment, and our own desires, will limit the occupancy of the apartment to one person, a middle-aged professional person.

We have two immediate neighbors: Col. and Mrs. Paul Child, phone 565-7553, and Mrs. and Mrs. Russell Strohecker, phone 565-2669, of 3 and 1 Wood Thrush Lane, respectively. Neither neighbor has any opposition to a variance.

The home is secluded, on approximately an acre. There is a private driveway to the rear of the house and a parking area. The entrance to the apartment is in the rear.

Photographs of the dwelling are available.

  
Al Rhoades

  
Greta Rhoades